vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2656 OF 2005

Shantilal Sonmal Oswal ... Petitioner

V/s.

Smt.Malati Vasant Bhoite ... Respondent

Mr.Uday P. Warunjikar for Petitioner
Mr.G.S. Godbole for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 30, 2005**

P.C.:

. The Petition has been filed against the concurrent findings of fact of both the Courts below. According to the Petitioner, the suit for eviction has been filed after a gift deed was executed by the original owner of the suit premises in favour of the present landlady who is his daughter. The Petitioner contends that the requirements of the present landlady were noticed by the Court when the earlier suit was filed by the erstwhile landlady. He therefore, submits that the present suit is malafide. In any event, according to the learned Advocate for the Petitioner, the landlady is in possession of several rooms whereas the two rooms are allotted to the Petitioner-tenant and therefore, there cannot be any bonafide need of the

landlady for the suit premises. On a perusal of the evidence, it can be seen that the gift deed, which has not been challenged, has been executed only in respect of two rooms i.e., the suit premises. The landlady has proved that she requires the suit premises. Both the Courts have accepted the requirement of the landlady for the suit premises as bonafide and reasonable.

2. I see no infirmity in the impugned order. Petition rejected.

3. Learned Advocate for the Petitioner seeks some time to vacate the suit premises. Time to vacate the suit premises is accordingly granted upto 31.5.2006 on condition that the Petitioner and all adult members of his family file an undertaking in the usual terms in this Court within three weeks from today.